

Regular Meeting

Agenda Item #	5
Meeting Date	December 11, 2006
Prepared By	Jessie Carpenter City Clerk
Approved By	Barbara B. Matthews City Manager

Discussion Item	Second Reading Ordinance Regarding the Ward 5 Special Election of January 30, 2007
Background	<p>On November 13, the City Council adopted Resolution 2006-72, which established Tuesday, January 30, 2007, as the date for a Ward 5 special election to fill the vacancy created by the resignation of Councilmember Marc Elrich.</p> <p>Pursuant to Section 609 of the Charter: “All special City elections shall be conducted by the Council in the same manner [as regular City elections], as far as practicable, as set forth in this Charter.”</p> <p>The ordinance accepted at first reading sets forth the details of the special election, including the requirements set out in the City Code and Charter. The special election will be the first conducted since adoption of Charter Amendment Resolution 2006-1. The Charter Amendment included a requirement that a candidate receive a majority of votes cast in order to be elected. It provided for ballots that allow voters to rank candidates in order of choice, and it instituted an instant runoff voting process in the event that no candidate receives a majority of first choices.</p> <p>The ordinance sets the location of the special election as Wilkinson Hall at Columbia Union College. The polling place will be open from 7:00 a.m. to 8:00 p.m.</p> <p>There is no nominating caucus for the special election. Candidates’ names are placed on the ballot by a petition signed by at least 10 qualified voters of Ward 5. Petitions must be filed with the City Clerk no later than 5:00 p.m. on January 10, 2007.</p> <p>The ordinance provides for use of paper ballots incorporating the opportunity for voters to rank candidates. As in all City elections, ballots will include a space for a write-in candidate.</p> <p>Absentee balloting will be permitted as set forth in the City Code.</p> <p>Finally, the ordinance sets a special meeting of the City Council on Wednesday, January 31, to receive the certification of the election results from the election judges.</p> <p>In early January, staff will prepare a two-reading ordinance for Council appointment of election judges.</p>

	<p>To advertise the Council vacancy and special election, a notice is being sent to all households in Ward 5. The notice provides information in both English and Spanish. Once the ballot is finalized, a sample ballot will be mailed to all registered voters in the ward.</p> <p>A notice was published in the December 2006 Takoma Park Newsletter.</p>
Policy	City Charter and Takoma Park Code, Chapter 5 - Elections
Fiscal Impact	The FY07 Budget includes \$3,500 for FY07 election expenses.
Attachments	<ul style="list-style-type: none"> • Second Reading Ordinance Regarding the Ward 5 Special Election • Election Timetable
Recommendation	Council to adopt the ordinance at second reading.
Special Consideration	

Introduced by: Councilmember Elrich

First Reading: November 27, 2006

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

**ORDINANCE NO. 2006-53
(Ward 5 Special Election of January 30, 2007)**

WHEREAS, Ward 5 Councilmember Marc Elrich has been elected to serve on the Montgomery County Council, where his term will begin on December 4, 2006; and

WHEREAS, Councilmember Elrich has resigned from the City Council effective December 3, 2006; and

WHEREAS, Section 308 of the City Charter provides that if a vacancy on the Council occurs more than two hundred and forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the vacancy; and

WHEREAS, Section 308 of the City Charter sets forth procedures for setting the date of the special election and provides a process for candidates to have their names placed on the ballot by petition; and

WHEREAS, by Resolution 2006-72, adopted on November 13, 2006, the City Council established January 30, 2007 as the date of the Ward 5 special election; and

WHEREAS, Section 609 of the City Charter mandates that all special City elections shall be conducted by the Council in the same manner as regular City elections, as far as practicable, as set forth in the Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1. A Ward 5 Special City Election shall be held at Columbia Union College, Wilkinson Hall Lobby, 7600 Flower Avenue, Takoma Park, Maryland, on Tuesday, January 30, 2007, between the hours of 7:00 a.m. and 8:00 p.m. for the purpose of electing a Ward 5 Councilmember, as follows:

- A. A Ward 5 Councilmember shall be elected by the voters of that ward only;
- B. Votes shall be cast in the special election by paper ballots; and
- C. Absentee voting shall be permitted as set forth in Title 5, Elections, Chapter 5.20, Absentee Voting, of the Takoma Park Code.

SECTION 2. If the qualification requirements of Section 304 of the City Charter are met, a person may have his or her name listed on the special election ballot as a candidate by filing a petition with the City Clerk no later than 5:00 p.m. on January 10, 2007. The petition shall clearly state that its purpose is to place a specific person's name on the ballot for the Ward 5 special election to be held on January 30, 2007. The petition shall be signed by at least 10 qualified voters of Ward 5. Each qualified voter shall both sign and print his/her name and shall include his/her address and the date of his/her signature on the petition.

SECTION 3. Before listing a person's name on the special election ballot, the City Clerk shall verify that sufficient signatures on the petition are from qualified voters of Ward 5. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on the petition.

SECTION 4. The City Clerk shall provide paper ballots for the special election and sufficient voting booths for use by voters of the ward. The names of candidates shall be arranged alphabetically on all ballots.

SECTION 5. If any person registers as a write-in candidate in accordance with Section 605 of the City Charter, then the City Clerk shall arrange to have her/his name posted in the voting booths for the purpose of identifying her/him as a candidate for office.

SECTION 6. The City Clerk shall arrange for a space on the ballot for write-in votes.

SECTION 7. Notice of the special election shall be mailed to all households in Ward 5. In addition, the City Clerk shall arrange to have a sample ballot mailed to all registered voters of Ward 5, timed to be received by voters prior to the date of the special election.

SECTION 8. The City Clerk shall prepare a voter list for the ward bearing the names and addresses of all eligible voters in the ward, as certified by the Board of Supervisors of Election for Montgomery County, and shall supply such list to the Election Judges on election day. The voter registration information for all eligible non-United States citizens (names and addresses) who have registered with the City Clerk's office to vote in Ward 5 shall be incorporated into the respective ward voter lists.

SECTION 9. The City Clerk shall recommend to the Council the names of persons for designation by the Council as Election Judges to serve for the 2007 special election.

SECTION 10. Following the closing of the polls, the Election Judges shall tabulate the paper ballots cast using procedures to ensure the secrecy of the ballot, rejection of all votes when the number of votes cast by a voter exceeds the number that the voter is entitled to cast, correct counting of votes on ballots on which the proper number of votes has been indicated, the tabulating and recording of votes, and the prompt reporting of election returns after the official closing of the polls.

SECTION 11. The candidate receiving a majority of votes shall be declared elected. An instant runoff voting system shall be used to allow voters to rank candidates in order of choice. If no candidate receives a majority of first choices, the judges of election shall conduct an instant runoff consisting of additional rounds of ballot counting as set out in Section 606(e) through 606(h) of the City Charter. Instructions provided to voters shall conform substantially to the specifications of Section 606(c) of the City Charter.

SECTION 12. The Election Judges shall meet in the Takoma Park Community Center – Sam Abbott Citizens Center, as a Board of Election at 7:00 p.m. on Wednesday, January 31, 2007, and shall determine and certify the results of the election, as provided in City Charter Section 611.

SECTION 13. The City Council shall hold a Special Meeting in the Community Center – Sam Abbott Citizens Center at 7:30 p.m. on Wednesday, January 31, 2007, to receive the certification of the election results from the Election Judges.

SECTION 14. This Ordinance becomes effective upon adoption.

ADOPTED THIS ____ DAY OF _____, _____, BY ROLL-CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAIN:

ABSENT:

**City of Takoma Park, Maryland
Ward 5 Special Election
Tuesday, January 30, 2007
Election Timetable**

Friday, December 29, 2006

City Clerk requests certified list of Takoma Park Ward 5 voters from Montgomery County Board of Elections. (Charter, Section 602(d))

Tuesday, January 2, 2007

Voter Registration cut-off date. All new registrations and changes of address must have been received by the Montgomery County Board of Elections (or postmarked by Saturday, December 30, 2006). Voter Registration applications for non-U.S. Citizens must have been received by the City Clerk's Office by 5:00 p.m. on January 2, 2007. There will be no exceptions. Takoma Park residency must be met by December 31 (30 days prior to the election) in order to vote in the election.. (Charter, Section 601(a))

Wednesday, January 10, 2007, 5:00 p.m.

Petitions to place a candidate's name on the ballot for the Special Election must be received by the City Clerk no later than 5:00 p.m. on this date. (Charter, Section 308(c)).

Friday, January 19, 2007, 5:00 p.m.

Candidates' Initial Campaign Contribution Reports due to City Clerk - to include contributions received since November 8, 2005. (Takoma Park Code, Section 5.12.020(B)(1))

Candidates' Financial Disclosure Statements (Ethics Code) due to City Clerk within 10 days of filing of the petition for candidacy.

Tuesday, January 23, 2007, 4:00 p.m.

Last day to make application for regular Absentee Ballot. (Takoma Park Code, Section 5.20.020(C))

Wednesday, January 24, 2007

Emergency absentee balloting begins. (Takoma Park Code, 5.20.030(A))

Friday, January 26, 2007, 5:00 p.m.

Any write-in candidate who wishes to be pre-registered as a write-in candidate and to have his/her name posted in the voting booth for the purpose of identifying him/her as a candidate for office, must file his/her name with the City Clerk by this deadline. (Charter, Section 605)

Tuesday, January 30, 2007 – WARD 5 SPECIAL ELECTION.

Polls open 7:00 a.m. to 8:00 p.m. at Columbia Union College, Wilkinson Hall, 7600 Flower Avenue.

Absentee ballots must be received by the City Clerk prior to the official closing of the polls on election day or postmarked **on or before** January 29. (Charter, Section 607(b), Section 609; Takoma Park Code, Section 5.20.060(B)(2))

Wednesday, January 31, 2007, 7:30 p.m.

Special meeting of the City Council to receive the certification of the election results.
(Charter, Section 611(b))

Friday, February 2, 2007, 5:00 p.m.

Deadline for contesting the results of the election and validity of Absentee Ballot voting.
(Takoma Park Code, Section 5.20.070(A))

Monday, February 5, 2007, 4:00 p.m.

Final Campaign Contribution Report due to City Clerk. (Takoma Park Code, Section 5.12.020(B)(2))

On or before Tuesday, February 6, 2007

In the event that an election contest is filed, then the City Manager appoints three election judges to investigate the facts of the contest. The Election Judges report on their election contest investigation and recommend action to the Council. (Takoma Park Code, Section 5.16.070(B))

On or before Friday, February 9, 2007

Special Meeting of Council to determine any election contest(s). (Takoma Park Code, Section 5.20.070(B))

Monday, February 12, 2007, 7:30 p.m.

New Ward 5 Councilmember takes office. Swearing-in at 7:30 p.m. (Charter, Section 301)

On or before Friday, March 16, 2007

Deadline for holding a run-off election – if after the instant runoff vote count a tie occurs between or among all remaining candidates, then a runoff election between or among the tied candidates shall be held within forty-five (45) days after the date of the election.
(Charter, Section 606(h))

April 30, 2007

Deadline for keeping ballots, punch cards, voting machine records, and absentee ballots unless a court of competent jurisdiction orders the records kept for a longer period.
(Takoma Park Code, Section 5.16.060)